

Amendment Under 37 C.F.R. § 1.116
USSN 09/802,926
Attorney Docket Q63447
October 19, 2005

REMARKS

Claims 14-24 are all the claims pending in the application.

In the last Office Action Claims 14-24 inclusive were objected to because of informalities. Claims 14 and 17 have been amended to correct the informalities noted by the Examiner. In addition, Claim 14 has been amended in the second paragraph to call for “remote manual gear shift means movable into a plurality of predetermined positions for engagement of a desired gear ratio”. This amendment has been made to more clearly distinguish the subject matter of Claim 14 over the DE-19913492 which has been considered by the Examiner as the closest prior art document.

In the Final Rejection Claims 14-18, 20 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over DE-19913492 (using GB-2338768 as an English equivalent) in view of US Patent 6,327,927 to Rogg *et al.* and US Patent 1,630,076 to Schmidt. Claims 19 and 21-23 were indicated as being directed to allowable subject matter.

The Examiner has erroneously considered Figure 6 of DE '492 as showing an operating unit for a servo-assisted operation of a motor vehicle. On the contrary the operating unit of DE '492 is not arranged for servo-assisted operation, but for automated operation, as is clearly set forth in the introductory portion of the patent. The operating unit of DE '492, in fact, does not operate the gear box in order to execute the commands imparted by the user through a gear shift lever but automatically engages the appropriate gear ratio depending on the operating conditions of the vehicle. In other words, the driver cannot choose which gear ratio to engage. He can

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simply impart commands for accelerating or decelerating the vehicle. Furthermore, the Examiner considered the “remote manual gear shift means” of Claim 14 as being anticipated by the means shown to the left of the element 614 in Figure 6 of DE '492. The means referred to by the Examiner are however constituted by an accelerator pedal (See Page 4, lines 25-26 of the corresponding UK patent application), which is not, by its definition, a manual means.

Furthermore, in view of the amendment of Claim 14 to call for remote manual gear shift means movable into a plurality of predetermined positions for engagement of a desired gear ratio with reference to the positions in which the remote manual gear shift means can be moved, these means have been further distinguished over the ones disclosed in DE '492. The gear shift means of the present invention are movable into predetermined positions, to each of which corresponds in any operating condition of the vehicle, engagement of one given gear, whereas the accelerator pedal of DE '492 is movable into an indefinite number of positions, to none of which corresponds the engagement of one given gear.

Also, the feature of Claim 14 that the electronic call unit is arranged to send operating signals to the actuator means in order to bring about the movement of the elongate mechanical transmission means in such a manner that one gear ratio of the gear box is engaged which corresponds to the instantaneous position of the remote manual gear shift means is not anticipated by DE '492, contrary to the Examiner's position. In the operating unit of DE '492 there is no such definite correspondence between the positions of the gear shift means and the engagement of the gears. The operation of the gear box in fact is influenced not only by the position of the accelerator pedal but also by the signal sent to the control unit 620 by the engine

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speed sensor 610. It may happen therefore that more than one of the gears will be engaged under the control of the control unit while the accelerator pedal is held in a given position, due to changes in the operating conditions of the vehicle (such as changes in the gradient) as well as that a gear will remain engaged even though the position of the accelerator pedal varies according to the drivers commands.

In view of the foregoing arguments it is believed to be clear that Claims 14-18, 20 and 24 are clearly patentable over DE'492 in view of US Patent 6,327,927 and 1,630,076. Since Claims 19 and 21-24 inclusive were indicated as being directed to allowable subject matter, it is respectfully requested that Claims 14-24 inclusive be allowed and the application passed to issue forthwith.

If for any reason the Examiner is unable to allow the application on the next Office Action and feels that an interview would be helpful to resolve any remaining issue, the Examiner is respectfully requested to contact the undersigned attorney for the purpose of arranging such an interview.

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Respectfully submitted,



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